

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

BORDERS et al.,  
on behalf of themselves and all others  
similarly situated,  
Plaintiffs,

Civil No. 3:17-cv-00506

v.

CLASS ACTION

WALMART STORES, INC.,  
Defendant.

**PLAINTIFFS' UNOPPOSED MOTION FOR CERTIFICATION OF THE SETTLEMENT  
CLASS AND FINAL APPROVAL OF THE CLASS ACTION SETTLEMENT AND  
AWARDING ATTORNEYS' FEES AND COSTS**

For the reasons set forth in Plaintiffs' accompanying memorandum of law, and in the declarations and exhibits attached thereto, as well as Plaintiffs motion for attorneys' fees and costs, Dkt. No. 140, Plaintiffs respectfully request that the Court enter an Order:

- 1) certifying the settlement classes, as defined in sections 2.4 and 2.22 of the Settlement Agreement and paragraph 1 of the accompanying proposed order, under Federal Rule of Civil Procedure 23(a) and (b)(3);
- 2) granting final approval of the Settlement Agreement;
- 3) finding that the Notice and the notice process were reasonable and adequate and comported with all legal requirements;
- 4) authorizing all payments set forth in the Settlement Agreement from the Qualified Settlement Fund;
- 5) approving the scoring rubric developed by the Claims Administrator providing an average claimant award of \$2,221.65 and awards to the three class representatives of

- approximately \$36,664.00 (Woolbright), \$37,443.08 (Lewis), and \$37,443.08 (Borders);
- 6) awarding Class Counsel attorneys' fees in the amount of one-third of the common fund (\$4,666,200.00) and actual costs not to exceed \$275,000, with the final award of costs to be determined after Class Counsel submits a declaration setting forth the remain costs incurred between March 15, 2020, and the day after the fairness hearing;
  - 7) authorizing payment to the Claims Administrator, A.B. Data, for its actual costs and expenses, not to exceed \$200,000;
  - 8) ordering the parties and the Claims Administrator to perform their remaining obligations under the Settlement Agreement;
  - 9) dismissing this action with prejudice upon the Effective Date, which in the absence of an appeal will be thirty-one (31) days after the date of this Order, and enjoining all Class Members who have not excluded themselves from the settlement from pursuing and/or seeking to reopen all claims that have been released pursuant to the Settlement Agreement;
  - 10) retaining jurisdiction over this action for the purpose of enforcing the Settlement Agreement and overseeing the distribution of settlement funds; and
  - 11) granting any other relief that the Court deems just and proper.

Plaintiffs have contemporaneously submitted a proposed order for the Court's convenience.<sup>1</sup>

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<sup>1</sup> Walmart does not concede the Plaintiffs' allegations, nor does it concede all of the factual statements set forth in Plaintiffs' accompanying memorandum or previous briefing, but for the purposes of this Settlement, Walmart does not object to the filing of this motion for final approval.

Dated: March 31, 2020

Respectfully Submitted,

**SEDEY HARPER WESTHOFF P.C.**

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